

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

NEXA TECHNOLOGIES, INC., §  
Plaintiff, §  
§  
vs. §  
§  
XASAX CORPORATION, §  
Defendant. §

**Civil Action No. 3:09-CV-0360-N**

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ERIC D. FEIN, P.C. & ASSOCIATES, Attorney for Defendant Xasax Corporation, and requests permission to withdraw from representing Xasax Corporation, and would respectfully show the Court as follows:

1. This motion is based on good cause in that the client has taken certain actions that have caused the relationship between the attorney and the client to deteriorate to the extent that Eric D. Fein, P.C. & Associates can no longer effectively provide legal representation to Xasax Corporation. Pursuant to Local Rule 83.12 Counsel sets forth the following reasons for withdrawal: Xasax Corporation has not provided necessary information and documentation to effectively represent them in this action to date and certain financial obligations to Xasax Corporation's attorneys that have not been met to date.

2. The succeeding attorney of record for Defendant Xasax Corporation has not been determined at this point. Defendant Xasax Corporation can be reached through Daniel Nole, Chief Operating Officer, 111 Pavonia Street, Suite 705, Jersey City, NJ 07310. The phone number for Xasax Corporation is (888) 339-2729. Xasax Corporation has consented to this motion for withdrawal of attorney as evidenced by such signature.

WHEREFORE, ERIC D. FEIN, P.C. & ASSOCIATES, respectfully requests that the Court grant its Motion to Withdraw as Attorney of Record for Defendant Xasax Corporation, and grant such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

**ERIC D. FEIN, P.C. & ASSOCIATES**

/s/ Eric D. Fein

**Eric D. Fein**

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***ATTORNEY FOR DEFENDANT***

Approved by Xasax Corporation:

Noah Lieske

By:



**CERTIFICATE OF CONFERENCE**

On the 8<sup>th</sup> day of December, 2009, counsel for Defendant conferred with counsel for the Plaintiff in the above referenced matter regarding the merits of this Motion. Plaintiff's counsel is not opposed.

/s/ Eric D. Fein

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was forwarded via Certified Mail, Return Receipt Requested, First Class Mail, Facsimile, and/or Hand Delivery to the attorney for Plaintiff on this 10<sup>th</sup> day of December, 2009.

*Via Facsimile (214) 954-6850*  
Jeffrey Robert Seckel  
McGuire, Craddock & Strother, P.C.  
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/s/ Eric D. Fein